

CLERK: Mr. President, your Enrolling Clerk reports that she did on this day present to the Governor at 8:55 p.m. (sic) LB 125 and LB 267. Signed Barbara Jackson, Enrolling Clerk. Mr. President, a new bill LB 258A introduced by Senator Schmit. Read bill. That's all Mr. President.

PRESIDENT: Coming in the North Balcony are 37 seniors at Red Cloud High School. This is in Senator Kahle's district. We appreciate you visitors from Webster County. Thank you for being here. Special order, criminal code, LB 38.

CLERK: The next amendment in this area is offered by Senator Burrows to amend LB 38. (Refer to page 966 of Journal).

PRESIDENT: Chair recognizes Senator Burrows.

SENATOR BURROWS: This amendment goes back to page 38, if you'll look back in the section of old law where it's discussing "production shall include the manufacture, planting, cultivation, growing, or harvesting of a controlled substance." (Refer to Section 22, page 38 of LB 38). Now a handful of marijuana is a common weed in all of southeast Nebraska and a great share of the state. When we incorporate the word "growing" which is in existing law, I think it may tend as you read back through page 66 to create a potential entrapment of almost every farmer of southeast Nebraska, as you carry through to the manufacturer. I don't think it's clear but I think the possibility exists. I think if this word is struck that planting, growing, or harvesting are what the Legislature wants to get at, not the wild marijuana that's growing in the draws. There's no way that you could stomp this out in southeast Nebraska. I move that the amendment be adopted. It's line 2, the third word in line 2, page 38 of the criminal code. The amendment strikes the word "growing" which would include the wild hemp that's growing. It would leave it "planting, cultivating, or harvesting" which I think is probably the intent of the Legislature. I think it would remove any possible entrapment problems there with the weed districts for the farmers. The word "growing"; deleting only the word "growing" and one of the two commas to make it read correctly. I move the adoption of the amendment.

PRESIDENT: Senator Barnett.

SENATOR BARNETT: Mr. President, members of the Legislature. I may need a little help on this one from a couple of the attorneys that are here. I think that what you have to have and I really think we have to oppose the amendment because if we strike "growing", I'm not so sure that you wouldn't be able to grow marijuana on your own land. That might be a question and also the fact is that if you...this is in a definition section and to have it be a criminal act, there has to be intent, intent to sell it or intent to grow it for purposes of selling it. I think Bill and I talked about that earlier this morning. If it would make it plainer instead of removing the word "growing", I think that to make Senator Burrows feel better, I think that we probably should have had in there with intent to sell. But as the law is written and as the definitions are, this is not a new section. This is the same section we have and there has to be intent before there can be a criminal act on this. This is just strictly a definition. There might be a question, Senator Burrows, that if you took that out of there and did not have growing